

§ 4505. Applications; payments to eligible institutions

(a) Any institution seeking funding under this chapter shall prepare and submit an application to the Secretary of State once each fiscal year. Each such application shall—

(1) provide a description of the purposes for which the payments will be used in accordance with section 4504 of this title; and

(2) provide such fiscal control and such accounting procedures as may be necessary (A) to ensure a proper accounting of Federal funds paid under this chapter, and (B) to ensure the verification of the costs of the continuing education and research programs conducted under this chapter.

(b) Payments under this chapter may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

(Pub. L. 98-164, title VIII, § 806, Nov. 22, 1983, 97 Stat. 1050.)

§ 4506. Reporting requirements

The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this chapter a report of the activities of such institution supported by such assistance, if the administrative expenses of such institution which are covered by such assistance represent more than 10 per centum of such assistance, together with such recommendations as the Advisory Committee deems advisable.

(Pub. L. 98-164, title VIII, § 807, Nov. 22, 1983, 97 Stat. 1050.)

§ 4507. Federal control of education prohibited

Nothing contained in this chapter may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction or research, administration, or personnel of any educational institution.

(Pub. L. 98-164, title VIII, § 808, Nov. 22, 1983, 97 Stat. 1050.)

§ 4508. Allocation of funds

Of the funds authorized to be appropriated by section 102(1) of this Act—

(1) up to \$5,000,000 for the fiscal year 1984 shall be available to carry out this chapter; and

(2) \$5,000,000 for the fiscal year 1985 shall be available only to carry out this chapter.

(Pub. L. 98-164, title VIII, § 809, Nov. 22, 1983, 97 Stat. 1050.)

REFERENCES IN TEXT

Section 102(1) of this Act, referred to in text, is section 102(1) of Pub. L. 98-164, title I, Nov. 22, 1983, 97 Stat. 1017, which is not classified to the Code.

§ 4509. Repealed. Pub. L. 102-138, title II, § 209, Oct. 28, 1991, 105 Stat. 694

Section, Pub. L. 98-164, title VIII, § 810, Nov. 22, 1983, 97 Stat. 1051, provided that provisions of this chapter

were to cease to be effective at end of ten-year period beginning on Nov. 22, 1983.

CHAPTER 56—UNITED STATES INSTITUTE OF PEACE

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§ 4601. Congressional declaration of findings and purposes

(a) The Congress finds and declares that—

(1) a living institution embodying the heritage, ideals, and concerns of the American people for peace would be a significant response to the deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict;

(2) people throughout the world are fearful of nuclear war, are divided by war and threats of war, are experiencing social and cultural hostilities from rapid international change and real and perceived conflicts over interests, and are diverted from peace by the lack of problem-solving skills for dealing with such conflicts;

(3) many potentially destructive conflicts among nations and peoples have been resolved constructively and with cost efficiency at the international, national, and community levels through proper use of such techniques as negotiation, conciliation, mediation, and arbitration;

(4) there is a national need to examine the disciplines in the social, behavioral, and physical sciences and the arts and humanities with regard to the history, nature, elements, and future of peace processes, and to bring together and develop new and tested techniques to promote peaceful economic, political, social, and cultural relations in the world;

(5) existing institutions providing programs in international affairs, diplomacy, conflict resolution, and peace studies are essential to further development of techniques to promote peaceful resolution of international conflict, and the peacemaking activities of people in such institutions, government, private enterprise, and voluntary associations can be strengthened by a national institution devoted to international peace research, education and training, and information services;

(6) there is a need for Federal leadership to expand and support the existing international

peace and conflict resolution efforts of the Nation and to develop new comprehensive peace education and training programs, basic and applied research projects, and programs providing peace information;

(7) the Commission on Proposals for the National Academy of Peace and Conflict Resolution, created by the Education Amendments of 1978, recommended establishing an academy as a highly desirable investment to further the Nation's interest in promoting international peace;

(8) an institute strengthening and symbolizing the fruitful relation between the world of learning and the world of public affairs, would be the most efficient and immediate means for the Nation to enlarge its capacity to promote the peaceful resolution of international conflicts; and

(9) the establishment of such an institute is an appropriate investment by the people of this Nation to advance the history, science, art, and practice of international peace and the resolution of conflicts among nations without the use of violence.

(b) It is the purpose of this chapter to establish an independent, nonprofit, national institute to serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence.

(Pub. L. 98-525, title XVII, §1702, Oct. 19, 1984, 98 Stat. 2649.)

REFERENCES IN TEXT

The Education Amendments of 1978, referred to in subsec. (a)(7), is Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2143, as amended. Part B (§§1511-1519) of title XV of Pub. L. 95-561, which provided for the Commission on Proposals for the National Academy of Peace and Conflict Resolution, was set out as a note under section 1123 of Title 20, Education. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note under section 6301 of Title 20 and Tables.

SHORT TITLE

Section 1701 of title XVII of Pub. L. 98-525 provided that: "This title [enacting this chapter] may be cited as the 'United States Institute of Peace Act'."

§ 4602. Definitions

As used in this chapter, the term—

(1) "Institute" means the United States Institute of Peace established by this chapter; and

(2) "Board" means the Board of Directors of the Institute.

(Pub. L. 98-525, title XVII, §1703, Oct. 19, 1984, 98 Stat. 2651.)

§ 4603. United States Institute of Peace

(a) Establishment

There is hereby established the United States Institute of Peace.

(b) Status; restrictions

The Institute is an independent nonprofit corporation and an organization described in sec-

tion 170(c)(2)(B) of title 26. The Institute does not have the power to issue any shares of stock or to declare or pay any dividends.

(c) Establishment and functions of an “Endowment of the United States Institute for Peace”

As determined by the Board, the Institute may establish, under the laws of the District of Columbia, a legal entity which is capable of receiving, holding, and investing public funds for purposes in furtherance of the Institute under this chapter. The Institute may designate such legal entity as the “Endowment of the United States Institute for Peace”.

(d) Liability for acts within scope of authority

The Institute is liable for the acts of its directors, officers, employees, and agents when acting within the scope of their authority.

(e) Trade name and trademark rights; vested rights protected; condition for use of Federal identity

(1) The Institute has the sole and exclusive right to use and to allow or refuse others the use of the terms “United States Institute of Peace”, “Jennings Randolph Program for International Peace”, “Spark M. Matsunaga Medal of Peace”, and “Endowment of the United States Institute of Peace” and the use of any official United States Institute of Peace emblem, badge, seal, and other mark of recognition or any colorable simulation thereof. No powers or privileges hereby granted shall interfere or conflict with established or vested rights secured as of September 1, 1981.

(2) Notwithstanding any other provision of this chapter, the Institute may use “United States” or “U.S.” or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations for the Institute for such fiscal year provided by law.

(Pub. L. 98–525, title XVII, §1704, Oct. 19, 1984, 98 Stat. 2651; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–520, title III, §319(b), Nov. 5, 1990, 104 Stat. 2285.)

AMENDMENTS

1990—Subsec. (e)(1). Pub. L. 101–520 inserted reference to Spark M. Matsunaga Medal of Peace.

1986—Subsec. (b). Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4604, 4609 of this title.

§ 4604. Powers and duties

(a) District of Columbia nonprofit-corporative powers

The Institute may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act [D.C. Code, §29–501 et seq.] consistent with this chapter, except for section 5(o) of the District of Columbia Nonprofit Corporation Act [D.C. Code, §29–505(15)].

(b) Description of specific activities

The Institute, acting through the Board, may—

(1) establish a Jennings Randolph Program for International Peace and appoint, for periods up to two years, scholars and leaders in peace from the United States and abroad to pursue scholarly inquiry and other appropriate forms of communication on international peace and conflict resolution and, as appropriate, provide stipends, grants, fellowships, and other support to the leaders and scholars;

(2) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this chapter;

(3) establish a Jeannette Rankin Research Program on Peace to conduct research and make studies, particularly of an interdisciplinary or of a multidisciplinary nature, into the causes of war and other international conflicts and the elements of peace among the nations and peoples of the world, including peace theories, methods, techniques, programs, and systems, and into the experiences of the United States and other nations in resolving conflicts with justice and dignity and without violence as they pertain to the advancement of international peace and conflict resolution, placing particular emphasis on realistic approaches to past successes and failures in the quest for peace and arms control and utilizing to the maximum extent possible United States Government documents and classified materials from the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community;

(4) develop programs to make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(5) provide, promote, and support peace education and research programs at graduate and postgraduate levels;

(6) conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers, and citizens and noncitizens directed to developing their skills in international peace and conflict resolution;

(7) develop, for publication or other public communication, and disseminate, the carefully selected products of the Institute;

(8) establish a clearinghouse and other means for disseminating information, including classified information that is properly safeguarded, from the field of peace learning to the public and to government personnel with appropriate security clearances;

(9) secure directly, upon request of the president of the Institute to the head of any Federal department or agency and in accordance with section 552 of title 5 (relating to freedom of information), information necessary to enable the Institute to carry out the purposes of this chapter if such release of the information would not unduly interfere with the proper

functioning of a department or agency, including classified information if the Institute staff and members of the Board who have access to such classified information obtain appropriate security clearances from the Department of Defense and the Department of State; and

(10) establish the Spark M. Matsunaga Scholars Program, which shall include the provision of scholarships and educational programs in international peace and conflict management and related fields for outstanding secondary school students and the provision of scholarships to outstanding undergraduate students, with program participants and recipients of such scholarships to be known as “Spark M. Matsunaga Scholars”.

(c) Annual award of Spark M. Matsunaga Medal of Peace

(1)(A) The Institute, acting through the Board, may each year make an award to such person or persons who it determines to have contributed in extraordinary ways to peace among the nations and peoples of the world, giving special attention to contributions that advance society’s knowledge and skill in peacemaking and conflict management. The award shall include the public presentation to such person or persons of the Spark M. Matsunaga Medal of Peace and a cash award in an amount of not to exceed \$25,000 for any recipient.

(B)(i) The Secretary of the Treasury shall strike the Spark M. Matsunaga Medal of Peace with suitable emblems, devices, and inscriptions which capture the goals for which the Medal is presented. The design of the medals shall be determined by the Secretary of the Treasury in consultation with the Board and the Commission of Fine Arts.

(ii) The Spark M. Matsunaga Medal of Peace shall be struck in bronze and in the size determined by the Secretary of the Treasury in consultation with the Board.

(iii) The appropriate account of the Treasury of the United States shall be reimbursed for costs incurred in carrying out this subparagraph out of funds appropriated pursuant to section 4609(a)(1) of this title.

(2) The Board shall establish an advisory panel composed of persons eminent in peacemaking, diplomacy, public affairs, and scholarship, and such advisory panel shall advise the Board during its consideration of the selection of the recipient of the award.

(3) The Institute shall inform the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate and the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives about the selection procedures it intends to follow, together with any other matters relevant to making the award and emphasizing its prominence and significance.

(d) Description of extension and outreach activities

The Institute may undertake extension and outreach activities under this chapter by making grants and entering into contracts with institutions of postsecondary, community, secondary, and elementary education (including combinations of such institutions), with public and

private educational, training, or research institutions (including the American Federation of Labor-the Congress of Industrial Organizations) and libraries, and with public departments and agencies (including State and territorial departments of education and of commerce). No grant may be made to an institution unless it is a nonprofit or official public institution, and at least one-fourth of the Institute’s annual appropriations shall be paid to such nonprofit and official public institutions. A grant or contract may be made to—

(1) initiate, strengthen, and support basic and applied research on international peace and conflict resolution;

(2) promote and advance the study of international peace and conflict resolution by educational, training, and research institutions, departments, and agencies;

(3) educate the Nation about and educate and train individuals in peace and conflict resolution theories, methods, techniques, programs, and systems;

(4) assist the Institute in its publication, clearinghouse, and other information services programs;

(5) assist the Institute in the study of conflict resolution between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and

(6) promote the other purposes of this chapter.

(e) Services for Federal agencies

The Institute may respond to the request of a department or agency of the United States Government to investigate, examine, study, and report on any issue within the Institute’s competence, including the study of past negotiating histories and the use of classified materials.

(f) Contracts for operation of Institute

The Institute may enter into personal service and other contracts for the proper operation of the Institute.

(g) Personnel; administrative assistance

The Institute may fix the duties of its officers, employees, and agents, and establish such advisory committees, councils, or other bodies, as the efficient administration of the business and purposes of the Institute may require.

(h) Grants and contracts; gifts and contributions; domestic and foreign restrictions

(1) Except as provided in paragraphs (2) and (3), the Institute may obtain grants and contracts, including contracts for classified research for the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community, and receive gifts and contributions from government at all levels.

(2) The Institute and the legal entity described in section 4603(c) of this title may not accept any gift, contribution or grant from a foreign government, any agency or instrumentality of such government, any international organization, or any corporation or other legal entity in which natural persons who are nationals of a foreign country own, directly or indirectly,

more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(3) Notwithstanding any other provision of this chapter, the Institute and the legal entity described in section 4603(c) of this title may not obtain any grant or contract or receive any gift or contribution from any private agency, organization, corporation or other legal entity, institution, or individual, except such Institute or legal entity may accept such a gift or contribution to—

(A) purchase, lease for purchase, or otherwise acquire, construct, improve, furnish, or maintain a suitable permanent headquarters, any related facility, or any site or sites for such facilities for the Institute and the legal entity described in section 4603(c) of this title; or

(B) provide program-related hospitality, including such hospitality connected with the presentation of the Spark M. Matsunaga Medal of Peace.

(i) Fees for periodicals and other materials

The Institute may charge and collect subscription fees and develop, for publication or other public communication, and disseminate, periodicals and other materials.

(j) Participation fees and costs

The Institute may charge and collect fees and other participation costs from persons and institutions participating in the Institute's direct activities authorized in subsection (b) of this section.

(k) Civil actions

The Institute may sue and be sued, complain, and defend in any court of competent jurisdiction.

(l) Corporate mark of recognition and colorable simulations

The Institute may adopt, alter, use, and display a corporate seal, emblem, badge, and other mark of recognition and colorable simulations thereof.

(m) General authority

The Institute may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this chapter.

(n) Legislative influencing-activity prohibition; communications or testimony of personnel

The Institute shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Institute may testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof.

(o) Administrative services from General Services Administration

The Institute may obtain administrative support services from the Administrator of General Services and use all sources of supply and services of the General Services Administration on a reimbursable basis.

(Pub. L. 98-525, title XVII, §1705, Oct. 19, 1984, 98 Stat. 2651; Pub. L. 100-50, §25, June 3, 1987, 101 Stat. 363; Pub. L. 100-418, title VI, §6272, Aug. 23, 1988, 102 Stat. 1523; Pub. L. 101-520, title III, §319(a), Nov. 5, 1990, 104 Stat. 2284; Pub. L. 102-325, title XV, §1554(b), (c), July 23, 1992, 106 Stat. 839; Pub. L. 105-244, title IX, §931(1), Oct. 7, 1998, 112 Stat. 1834.)

REFERENCES IN TEXT

The District of Columbia Nonprofit Corporation Act, referred to in subsec. (a), is Pub. L. 87-569, Aug. 6, 1962, 76 Stat. 265, as amended, which appears in chapter 5 (§29-501 et seq.) of Title 29, Corporations, of the District of Columbia Code. Section 5(o) of the District of Columbia Nonprofit Corporation Act now appears in section 29-505(15) of such Title 29.

AMENDMENTS

1998—Subsec. (f). Pub. L. 105-244, §931(1)(A), inserted “personal service and other” after “may enter into”.

Subsec. (o). Pub. L. 105-244, §931(1)(B), inserted “and use all sources of supply and services of the General Services Administration” after “Services”.

1992—Subsec. (b)(10). Pub. L. 102-325, §1554(b), added par. (10).

Subsec. (h)(2). Pub. L. 102-325, §1554(c)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Institute may not accept any gift, contribution, or grant from, or enter into any contract with, a foreign government, any agency or instrumentality of such government, any international organization, or any foreign national, except that the Institute may accept the payment of tuition by foreign nationals for instruction provided by the Institute. For purposes of this paragraph, the term—

“(A) ‘foreign national’ means—

“(i) a natural person who is a citizen of a foreign country or who owes permanent allegiance to a foreign country; and

“(ii) a corporation or other legal entity in which natural persons who are nationals of a foreign country own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

“(B) ‘person’ means a natural person, partnership, association, other unincorporated body, or corporation.”

Subsec. (h)(3). Pub. L. 102-325, §1554(c)(2), substituted at end “individual, except such Institute or legal entity may accept such a gift or contribution to—” for “individual.” and added subpars. (A) and (B).

1990—Subsec. (b)(9), (10). Pub. L. 101-520, §319(a)(1), redesignated par. (10) as (9) and struck out former par. (9) which read as follows: “recommend to the Congress the establishment of a United States Medal of Peace to be awarded under such procedures as the Congress may determine, except that no person associated with the Institute may receive the United States Medal of Peace; and”.

Subsecs. (c) to (o). Pub. L. 101-520, §319(a)(2), (3), added subsec. (c) and redesignated former subsecs. (c) to (n) as (d) to (o), respectively.

1988—Subsec. (b)(3). Pub. L. 100-418 made technical amendment to directory language of Pub. L. 100-50, see 1987 Amendment note below.

1987—Subsec. (b)(3). Pub. L. 100-50, as amended by Pub. L. 100-418, inserted “establish a Jeannette Rankin Research Program on Peace to” before “conduct research”.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Rep-

representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of Title 20, Education.

TRANSFER OF FUNCTIONS

United States Arms Control and Disarmament Agency abolished and functions transferred to Secretary of State, see sections 6511 and 6512 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4606 of this title.

§ 4605. Board of Directors

(a) Vested powers

The powers of the Institute shall be vested in a Board of Directors unless otherwise specified in this chapter.

(b) Membership

The Board shall consist of fifteen voting members as follows:

- (1) The Secretary of State (or if the Secretary so designates, another officer of the Department of State who was appointed with the advice and consent of the Senate).
- (2) The Secretary of Defense (or if the Secretary so designates, another officer of the Department of Defense who was appointed with the advice and consent of the Senate).
- (3) The president of the National Defense University (or if the president so designates, the vice president of the National Defense University).
- (4) Twelve individuals appointed by the President, by and with the advice and consent of the Senate.

(c) Political affiliation

Not more than eight voting members of the Board (including members described in paragraphs (1) through (4) of subsection (b) of this section) may be members of the same political party.

(d) Qualifications

(1) Each individual appointed to the Board under subsection (b)(5) of this section shall have appropriate practical or academic experience in peace and conflict resolution efforts of the United States.

(2) Officers and employees of the United States Government may not be appointed to the Board under subsection (b)(5) of this section.

(e) Term of office: commencement and termination, interim and remainder service, limitation

(1) Members of the Board appointed under subsection (b)(5) of this section shall be appointed to four year terms, except that—

(A) the term of six of the members initially appointed shall be two years, as designated by the President at the time of their nomination;

(B) a member may continue to serve until his or her successor is appointed; and

(C) a member appointed to replace a member whose term has not expired shall be appointed to serve the remainder of that term.

(2) The terms of the members of the Board initially appointed under subsection (b)(5) of this section shall begin on January 20, 1985, and subsequent terms shall begin upon the expiration of the preceding term, regardless of when a member is appointed to fill that term.

(3) The President may not nominate an individual for appointment to the Board under subsection (b)(5) of this section prior to January 20, 1985, but shall submit the names of eleven nominees for initial Board membership under subsection (b)(5) of this section not later than ninety days after that date. If the Senate rejects such a nomination or if such a nomination is withdrawn, the President shall submit the name of a new nominee within fifteen days.

(4) An individual appointed as a member of the Board under subsection (b)(5) of this section may not be appointed to more than two terms on the Board.

(f) Removal from office

A member of the Board appointed under subsection (b)(5) of this section may be removed by the President—

(1) in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties;

(2) upon the recommendation of eight voting members of the Board; or

(3) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.

A recommendation made in accordance with paragraph (2) may be made only pursuant to action taken at a meeting of the Board, which may be closed pursuant to the procedures of subsection (h)(3) of this section. Only members who are present may vote. A record of the vote shall be maintained. The President shall be informed immediately by the Board of the recommendation.

(g) Conflict of interests

No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly and financially benefits the member or pertains specifically to any public body or any private or nonprofit firm or organization with which the member is then formally associated or has been for-

mally associated within a period of two years, except that this subsection shall not be construed to prohibit an ex officio member of the Board from participation in actions of the Board which pertain specifically to the public body of which that member is an officer.

(h) Meetings; Chairman; Vice Chairman; quorum; notice in Federal Register; closure

Meetings of the Board shall be conducted as follows:

(1) The President shall stipulate by name the nominee who shall be the first Chairman of the Board. The first Chairman shall serve for a term of three years. Thereafter, the Board shall elect a Chairman every three years from among the directors appointed by the President under subsection (b)(5) of this section and may elect a Vice Chairman if so provided by the Institute's bylaws.

(2) The Board shall meet at least semiannually, at any time pursuant to the call of the Chairman or as requested in writing to the Chairman by at least five members of the Board. A majority of the members of the Board shall constitute a quorum for any Board meeting.

(3) All meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of its members present and with the vote taken in public session, which are likely to disclose information likely to affect adversely any ongoing peace proceeding or activity or to disclose information or matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5.

(i) Compensation

A director appointed by the President under subsection (b)(5) of this section shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5 for each day during which the director is engaged in the performance of duties as a member of the Board.

(j) Travel expenses

While away from his home or regular place of business in the performance of duties for the Institute, a director shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703(b)¹ of title 5.

(Pub. L. 98-525, title XVII, §1706, Oct. 19, 1984, 98 Stat. 2654; Pub. L. 105-277, div. G, subdiv. A, title XII, §1225(c)(1), Oct. 21, 1998, 112 Stat. 2681-773.)

REFERENCES IN TEXT

Section 5703 of title 5, referred to in subsec. (j), was amended generally by Pub. L. 94-22, §4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain a subsec. (b).

¹ See References in Text note below.

AMENDMENTS

1998—Subsec. (b)(3). Pub. L. 105-277, §1225(c)(1), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “The Director of the Arms Control and Disarmament Agency (or if the Director so designates, another officer of that Agency who was appointed with the advice and consent of the Senate).”

Subsec. (b)(4), (5). Pub. L. 105-277, §1225(c)(1)(B), (C), redesignated par. (5) as (4) and substituted “Twelve” for “Eleven”. Former par. (4) redesignated (3).

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective on earlier of Apr. 1, 1999, or date of abolition of the United States Arms Control and Disarmament Agency pursuant to reorganization plan described in section 6601 of this title, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 4606. Officers and employees

(a) Appointment, compensation and status of president of Institute and other officers

The Board shall appoint the president of the Institute and such other officers as the Board determines to be necessary. The president of the Institute shall be a nonvoting ex officio member of the Board. All officers shall serve at the pleasure of the Board. The president shall be appointed for an explicit term of years. Notwithstanding any other provision of law limiting the payment of compensation, the president and other officers appointed by the Board shall be compensated at rates determined by the Board, but no greater than that payable for level I of the Executive Schedule under chapter 53 of title 5.

(b) Authorization of activities

Subject to the provisions of section 4604(h)(3) of this title, the Board shall authorize the president and any other officials or employees it designates to receive and disburse public moneys, obtain and make grants, enter into contracts, establish and collect fees, and undertake all other activities necessary for the efficient and proper functioning of the Institute.

(c) Appointment, compensation and status of personnel

The president, subject to Institute's bylaws and general policies established by the Board,

may appoint, fix the compensation of, and remove such employees of the Institute as the president determines necessary to carry out the purposes of the Institute. In determining employee rates of compensation, the president shall be governed by the provisions of title 5 relating to classification and General Schedule pay rates.

(d) Assignment of Federal officers or employees to the Institute

(1) The president may request the assignment of any Federal officer or employee to the Institute by an appropriate department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(2) The Secretary of State, the Secretary of Defense, and the Director of Central Intelligence each may assign officers and employees of his respective department or agency, on a rotating basis to be determined by the Board, to the Institute if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the respective department or agency of such officer or employee.

(e) Dual compensation restriction

No officer or full-time employee of the Institute may receive any salary or other compensation for services from any source other than the Institute during the officer's or employee's period of employment by the Institute, except as authorized by the Board.

(f) Federal employment status only for stated purposes

(1) Officers and employees of the Institute shall not be considered officers and employees of the Federal Government except for purposes of the provisions of title 28, which relate to Federal tort claims liability, and the provisions of title 5, which relate to compensation and benefits, including the following provisions: chapter 51 (relating to classification); subchapters I and III of chapter 53 (relating to pay rates); subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions of title 5 referred to in this section.

(2) The Institute shall not make long-term commitments to employees that are inconsistent with rules and regulations applicable to Federal employees.

(g) Distributions prohibited during life or upon dissolution or liquidation of Institute or legal entity; compensation for services or expenses

No part of the financial resources, income, or assets of the Institute or of any legal entity created by the Institute shall inure to any agent, employee, officer, or director or be distributable

to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the directors, officers, employees, and agents of the Institute in amounts approved in accordance with the provisions of this chapter.

(h) Loans prohibition; joint and several liability

The Institute shall not make loans to its directors, officers, employees, or agents, or to any legal entity created by the Institute. A director, officer, employee, or agent who votes for or assents to the making of a loan or who participates in the making of a loan shall be jointly and severally liable to the Institute for the amount of the loan until repayment thereof.

(Pub. L. 98-525, title XVII, §1707, Oct. 19, 1984, 98 Stat. 2656; Pub. L. 100-569, title III, §301(b), Oct. 31, 1988, 102 Stat. 2864; Pub. L. 101-520, title III, §319(c), Nov. 5, 1990, 104 Stat. 2285; Pub. L. 105-277, div. G, subdiv. A, title XII, §1225(c)(2), Oct. 21, 1998, 112 Stat. 2681-773.)

REFERENCES IN TEXT

Level I of the Executive Schedule, referred to in subsec. (a), is set out in section 5312 of Title 5, Government Organization and Employees.

The provisions of title 5 relating to classification and General Schedule pay rates, referred to in subsec. (c), are set out in chapter 51 (§5101 et seq.) and subchapter III (§5331 et seq.) of chapter 53 of Title 5.

The provisions of title 28 which relate to Federal tort claims liability, referred to in subsec. (f)(1), are the provisions of the Federal Tort Claims Act, which is classified generally to section 1346(b) and to chapter 171 (§2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1998—Subsec. (d)(2). Pub. L. 105-277, which directed the amendment of par. (2) by striking out “, Director of the Arms Control and Disarmament Agency”, was executed by striking out “, the Director of the Arms Control and Disarmament Agency” after “Secretary of Defense”, to reflect the probable intent of Congress.

1990—Subsec. (b). Pub. L. 101-520 substituted “4604(h)(3)” for “4604(g)(3)”.

1988—Subsec. (f)(2). Pub. L. 100-569 struck out first sentence which read as follows: “No Federal funds shall be used to pay for private fringe benefit programs.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective on earlier of Apr. 1, 1999, or date of abolition of the United States Arms Control and Disarmament Agency pursuant to reorganization plan described in section 6601 of this title, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

§ 4607. Procedures and records

(a) Monitoring and evaluation of programs

The Institute shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this chapter to ensure that the provisions of this chapter and the bylaws, rules, regulations, and guidelines promulgated pursuant to this chapter are adhered to.

(b) Suspension procedures

The Institute shall prescribe procedures to ensure that grants, contracts, and financial sup-

port under this chapter are not suspended unless the grantee, contractor, or person or entity receiving financial support has been given reasonable notice and opportunity to show cause why the action should not be taken.

(c) Selection considerations

In selecting persons to participate in Institute activities, the Institute may consider a person's practical experience or equivalency in peace study and activity as well as other formal requirements.

(d) Accounts of receipts and disbursements; financial reports

The Institute shall keep correct and complete books and records of account, including separate and distinct accounts of receipts and disbursements of Federal funds. The Institute's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Institute.

(e) Minutes of proceedings

The Institute shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(f) Record and inspection of required items

The Institute shall keep a record of the names and addresses of its Board members; copies of this chapter, of any other Acts relating to the Institute, and of all Institute bylaws, rules, regulations, and guidelines; required minutes of proceedings; a record of all applications and proposals and issued or received contracts and grants; and financial records of the Institute. All items required by this subsection may be inspected by any Board member or the member's agent or attorney for any proper purpose at any reasonable time.

(g) Audits

The accounts of the Institute shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. The audit shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Institute and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(h) Report of audit to Congress; copies for public

The Institute shall provide a report of the audit to the President and to each House of Congress no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Institute's assets and liabilities, surplus or deficit, with reasonable detail, including a state-

ment of the Institute's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of \$5,000 and any payments of compensation, salaries, or fees at a rate in excess of \$5,000 per year. The report shall be produced in sufficient copies for the public.

(i) Freedom of information provisions applicable

The Institute and its directors, officers, employees, and agents shall be subject to the provisions of section 552 of title 5 (relating to freedom of information).

(Pub. L. 98-525, title XVII, §1708, Oct. 19, 1984, 98 Stat. 2657.)

§ 4608. Independence and limitations

(a) Nothing in this chapter may be construed as limiting the authority of the Office of Management and Budget to review and submit comments on the Institute's budget request at the time it is transmitted to the Congress.

(b) No political test or political qualification may be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, employee, agent, or recipient of Institute funds or services or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this chapter.

(Pub. L. 98-525, title XVII, §1709, Oct. 19, 1984, 98 Stat. 2659.)

§ 4609. Funding

(a) Authorization of appropriations

(1) In general

For the purpose of carrying out this chapter, there are authorized to be appropriated \$15,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(2) Availability

Funds appropriated pursuant to the authority of paragraph (1) shall remain available until expended.

(b) Transfer of unobligated funds; reports of use of funds to Congress and President

The Board of Directors may transfer to the legal entity authorized to be established under section 4603(c) of this title any funds not obligated or expended from appropriations to the Institute for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of the Congress and to the President of the United States.

(c) Contractual authority

Any authority provided by this chapter to enter into contracts shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 98-525, title XVII, §1710, Oct. 19, 1984, 98 Stat. 2659; Pub. L. 99-498, title XVI, §1601(a)(1), (b), Oct. 17, 1986, 100 Stat. 1612; Pub. L. 100-569, title III, §301[(a)], Oct. 31, 1988, 102 Stat. 2863;

Pub. L. 102-325, title XV, §1554(a), July 23, 1992, 106 Stat. 839; Pub. L. 103-208, §2(k)(14), Dec. 20, 1993, 107 Stat. 2486; Pub. L. 105-244, title IX, §931(2), Oct. 7, 1998, 112 Stat. 1834.)

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-244 substituted “1999” for “1993” and “4” for “6”.

1993—Subsec. (a)(1). Pub. L. 103-208 substituted “6” for “4” before “succeeding fiscal years”.

1992—Subsec. (a). Pub. L. 102-325 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

“(1) For the purpose of carrying out this chapter (except for paragraph (9) of section 4604(b) of this title), there are authorized to be appropriated \$10,000,000 for fiscal year 1989; \$10,000,000 for fiscal year 1990; \$10,000,000 for fiscal year 1991; \$15,000,000 for fiscal year 1992; and \$15,000,000 for fiscal year 1993.

“(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.”

1988—Subsec. (a). Pub. L. 100-569 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “For the purpose of carrying out this chapter (except for paragraph (9) of section 4604(b) of this title), there are authorized to be appropriated \$6,000,000 for the fiscal year 1987 and \$10,000,000 for the fiscal year 1988. Amounts appropriated under this section are authorized to remain available to the Institute until expended.”

1986—Subsec. (a). Pub. L. 99-498 substituted “fiscal year 1987” for “fiscal year 1985”, “fiscal year 1988” for “fiscal year 1986”, and “Amounts appropriated under this section are authorized to remain available to the Institute until expended” for “Moneys appropriated for the fiscal year 1985 shall remain available to the Institute through the fiscal year 1986”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 1601(a)(2) of Pub. L. 99-498 provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on October 1, 1986.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4604 of this title.

§ 4610. Dissolution or liquidation

Upon dissolution or final liquidation of the Institute or of any legal entity created pursuant to this chapter, all income and assets of the Institute or other legal entity shall revert to the United States Treasury.

(Pub. L. 98-525, title XVII, §1711, Oct. 19, 1984, 98 Stat. 2659.)

§ 4611. Biennial reports to President and Congress; comments, findings, and recommendations; Congressional Committee hearings

Beginning two years after October 19, 1984, and at intervals of two years thereafter, the Chair-

man of the Board shall prepare and transmit to the Congress and the President a report detailing the progress the Institute has made in carrying out the purposes of this chapter during the preceding two-year period. The President may prepare and transmit to the Congress within a reasonable time after the receipt of such report the written comments and recommendations of the appropriate agencies of the United States with respect to the contents of such report and their recommendations with respect to any legislation which may be required concerning the Institute. After receipt of such report by the Congress, the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate may hold hearings to review the findings and recommendations of such report and the written comments received from the President.

(Pub. L. 98-525, title XVII, §1712, Oct. 19, 1984, 98 Stat. 2659; Pub. L. 105-244, title IX, §931(3), Oct. 7, 1998, 112 Stat. 1834.)

AMENDMENTS

1998—Pub. L. 105-244 substituted “President may prepare” for “President shall prepare” and “may hold hearings” for “shall hold hearings”.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

CHAPTER 57—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES

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| Sec. | |
| 4701. | Statement of purpose. |
| 4702. | Congressional findings and declaration of policy. |
| 4703. | Scholarship program authority. <ul style="list-style-type: none"> (a) In general. (b) Form of scholarship; forgiveness of loan repayment. (c) Consultation. (d) “Institution of higher education” defined. |
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| 4707. | Establishment and maintenance of counseling services. |